IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 22805 of 2005

Between:

Thimmaiah

..... PETITIONER

AND

The Election Authority / District Collector,

Ananthapur and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in not extending time to the petitioner and other 10 members of the

3rd respondent society for filing their nomination papers for the purpose of contesting in the elections to third respondent society, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The learned counsel for the petitioner contended that on 18.10.2005 when the petitioner and 10 others went to the office of the 2nd respondent in order to submit their nominations, they were prevented by their rival group of persons and their nomination papers were torned out, for which they made a complaint to the District Collector and the District Collector ordered enquiry. He further contended that without conducting detailed enquiry, the Election Officer submitted a report, and even then, the 2nd respondent has not extended time for filing their nomination papers for the ensuing elections.

In pursuance of the directions of the District Collector, Anantapur, the Election Officer submitted a report on 18.10.2005 stating that as per the schedule the process of receiving nominations were started by

10 A.M. and while the process is going on, around 11.45 A.M. some persons are entered the office for submission of nominations to the Election Officer without nomination papers. He has given nomination forms for submission, but they have not come back to the office of Konduru PACS. After completion of nomination process, the Deputy Superintendent of Police, Penukonda has called him to enquire the incident occurred at the office of the Konduru PACS in Lepakshi Police Station. At that time the Deputy Superintendent of Police, Penukonda was told him that some peoples are doing Raastha Roka from 2.00 P.M. for which he registered 2 cases.

A perusal of the report submitted by the Election Officer to the District Collector go to

show that there is some interference caused by certain group of persons, preventing the petitioner from filing nomination papers. But the respondents are not admitted that the petitioner was prevented to file nomination papers. Whether the petitioner is prevented from filing nomination papers or not, due to alleged Raastha Roka, is a matter to be enquired. In that view of the matter, the relief, as sought for in this writ petition, cannot be granted in this writ petition.

For the aforesaid reasons, the Writ Petition is dismissed. However, it is left open to the petitioner to file an Election Petition in a competent Court of law, raising all his contentions, if he so advised. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.10.2005

Dsr